

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER R. ELIA,

No. 2:22-cv-0702-EFB (PC)

Plaintiff,

V.

JEREMY MARTIN, et al.,

ORDER AND FINDINGS AND RECOMMENDATIONS

Defendants.

Plaintiff, a state prisoner, proceeds without counsel in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On June 21, 2022, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 5. The court dismissed all but the potentially cognizable deliberate indifference to safety claims against defendants Koulakov, Martin and Stone, explained the deficiencies with the remaining claims, and granted plaintiff thirty days to either file an amended complaint or elect to proceed with the potentially viable claims. *Id.* The screening order warned plaintiff that failure to comply would result in a recommendation that this action be dismissed.

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1 More than thirty days have passed and plaintiff has not complied with or otherwise
2 responded to the court's order.¹ Thus, it appears that plaintiff is unable or unwilling to cure the
3 defects in the complaint or proceed with the potentially viable claims. He has failed to prosecute
4 this action.

5 Accordingly, it is ORDERED that the Clerk of the Court randomly assign a United States
6 District Judge to this case.

7 Further, it is RECOMMENDED that this action be DISMISSED without prejudice.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
10 after being served with these findings and recommendations, any party may file written
11 objections with the court and serve a copy on all parties. Such a document should be captioned
12 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
13 objections shall be served and filed within fourteen days after service of the objections. The
14 parties are advised that failure to file objections within the specified time may waive the right to
15 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17 Dated: July 27, 2022.



18 EDMUND F. BRENNAN
19 UNITED STATES MAGISTRATE JUDGE

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26 ¹ Although it appears from the file that plaintiff's copy of the screening order was
27 returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court
28 apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents
at the record address of the party is fully effective.